United Nations A/HRC/38/10/Add.1

General Assembly

Distr.: General
6 June 2018
English
Original: French

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Burundi

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.18-09109 (E) 040718 040718
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Concluding remarks and responses of Burundi to the recommendations of the third cycle of the universal periodic review on 18 January 2018

1. Burundi expresses its warm thanks to the 96 delegations that participated in the third cycle of its universal periodic review on 18 January 2018.

2. It welcomes the 242 recommendations made, particularly those relating to improving the human rights of groups that require special protection, such as women and children, persons with disabilities and indigenous peoples.

3. As stated during the interactive dialogue, Burundi has already made significant efforts in introducing major changes at both the normative and institutional levels with a view to promoting and protecting human rights, particularly in the implementation of international standards in each of the Government's areas of action.

4. As part of its commitment to ensuring that its citizens enjoy the broadest and most effective exercise of their fundamental rights, Burundi amended its Constitution (Basic Law) through a Government-funded referendum held on 17 May 2018, in which the Burundian people exercised their inalienable right as a matter of national sovereignty, in accordance with the basic principles of human rights, with a record turnout of 96 per cent and 73 per cent in favour of the amendments.

5. The people of Burundi continue to demonstrate their political maturity in order to secure and sustain institutional stability and social cohesion, which augurs well for free, transparent and peaceful elections to the institutions of the Republic in 2020.

6. In the following paragraphs, Burundi presents its position on the recommendations made and reaffirms its commitment to working in line with the shared goal of the universal human rights system to guarantee full enjoyment of their fundamental rights for all Burundians.

7. The following recommendations are of priority national interest and Burundi will take all necessary measures to implement them:

137.1, 137.2, 137.3, 137.4, 137.6, 137.8, 137.9, 137.10, 137.20, 137.21, 137.22, 137.23, 137.40, 137.41, 137.64, 137.68, 137.69, 137.70, 137.71, 137.75, 137.78, 137.79, 137.80, 137.81, 137.82, 137.83, 137.84, 137.85, 137.86, 137.87, 137.88, 137.89, 137.90, 137.91, 137.92, 137.100, 137.104, 137.105, 137.108, 137.110, 137.112, 137.113, 137.115, 137.135, 137.136, 137.137, 137.138, 137.139, 137.140, 137.143, 137.145, 137.146, 137.147, 137.148, 137.149, 137.171, 137.172, 137.173, 137.174, 137.175, 137.176, 137.177, 137.178, 137.179, 137.180, 137.181, 137.182, 137.183, 137.184, 137.185, 137.186, 137.187, 137.188, 137.189, 137.190, 137.191, 137.192, 137.193, 137.194, 137.195, 137.196, 135.197, 135.198, 137.199, 137.200, 137.201, 137.202, 137.203, 137.204, 137.205, 137.206, 137.207, 137.208, 137.210, 137.211, 137.212, 137.213, 137.214, 137.215, 137.216, 137.217, 137.218, 137.219, 137.220, 137.221, 137.222, 137.224, 137.225, 137.226, 137.227, 137.228, 137.229, 137.230, 137.231, 137.232, 137.233, 137.234, 137.235, 137.236, 137.237, 137.238, 137.239, 137.240, 137.241 and **137.242.**

8. The recommendations of which Burundi has taken note have been grouped together by theme, as outlined below:

Recommendation 137.5 to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

Recommendation 137.7 to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

Recommendations 137.11 and **137.12** concerning the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance;

Recommendations 137.13, 137.14, 137.15, 137.16, 137.17, 137.18, 137.19, 137.52, 137.53, 137.54, 137.55 and **137.56** concerning accession to the Rome Statute of the International Criminal Court;

Recommendations 137.24, 137.25 and **137.26** concerning the authorization of visits by special procedures mandate holders;

Recommendations 137.27, 137.28, 137.29, 137.30, 137.31, 137.32, 137.33, 137.34, 137.35, 137.36, 137.37, 137.38, 137.39, 137.40, 137.59 and **137.62** concerning the functioning of the Office of the High Commissioner for Human Rights in Burundi and cooperation with that Office, the Human Rights Council and other regional and international mechanisms;

Recommendations 137.42, 137.43, 137.44, 137.45, 137.46, 137.47, 137.48, 137.49, 137.50, 137.51, 137.57, 137.58, 137.60, 137.61, 137.65, 137.66, 137.67 and **137.116** concerning the Commission of Inquiry on Burundi established by the Human Rights Council;

Recommendation 137.63 on the violation of the rights of refugees;

Recommendations 137.72, 137.73, 137.74, 137.76 and **137.77** encouraging the Government of Burundi to engage in dialogue with the political opposition in preparation for the 2020 elections;

Recommendations 137.93, 137.94, 137.95, 137.96, 137.97, 137.98, 137.99, 137.209 and **137.223** regarding the decriminalization of homosexuality;

The recommendations on the issues of extrajudicial executions, torture, arbitrary detention, impunity and the youth league of the ruling party, CNDD-FDD, namely **137.101, 137.102, 137.103, 137.106, 137.107, 137.109, 137.111, 137.114, 137.117, 137.118, 137.119, 137.120, 137.121, 137.122, 137.124, 137.125, 137.126, 136.127, 137.128, 137.129, 137.130, 137.131, 137.132, 137.133** and **137.134**.

Recommendations 137.141, 137.142 and **137.144** calling for the establishment of a judicial mechanism following the work of the Truth and Reconciliation Commission;

Recommendations on issues of freedom of expression, assembly and association and intimidation and reprisals against journalists, human rights defenders and members of civil society, namely **137.123, 137.150, 137.151, 137.152, 137.153, 137.154, 137.155, 137.156, 137.157, 137.158, 137.159, 137.160, 137.161, 137.162, 137.163, 137.164, 137.165, 137.166, 137.167, 137.168** and **137.169**;

Recommendation 137.170 on the revision of the regulations on foreign non-governmental organizations.

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Luxembourg

Addendum

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GE.18-09111 (E) 030718 040718

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Third universal periodic review of Luxembourg

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

1. Luxembourg received 149 recommendations during its review on 18 January 2018.

2. Luxembourg takes note of recommendations 106.1, 106.2, 106.3, 106.4, 106.6, 106.7, 106.8, 106.9, 106.10, 106.40, 106.41, 106.42, 106.44 and 106.52.

3. Luxembourg accepts the other recommendations: this document provides information on the action being taken to implement them and on the changes that have taken place at the national level since its review in January 2018.

106.5, 106.20 and 106.29

4. Luxembourg is considering ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

106.11–106.19 and 106.36

5. The bill on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance will be submitted to the Chamber of Deputies in the near future.

106.21

6. Luxembourg is considering ratifying the Protocol of 2014 to the ILO Forced Labour Convention, 1930 (No. 29).

106.22–106.28, 106.113–116 and 106.121

7. The parliamentary process of ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is under way and should be completed in the near future. The bill in question criminalizes female genital mutilation and provides for the strengthening of cooperation between State and non-State actors.

106.30

8. Luxembourg is continuing its efforts to strengthen the capacity of the national institutions and technical mechanisms responsible for following up on its human rights commitments.

106.31, 106.33 and 106.34

9. Luxembourg reiterates its willingness to step up its efforts to submit outstanding reports to the treaty bodies and to introduce a mechanism to allow reports to be submitted more regularly. Luxembourg attaches great importance to cooperating well with all United Nations and regional human rights bodies and mechanisms.

106.32

10. Luxembourg will consider introducing such a policy.

106.35

11. The Act of 15 December 2017 on development cooperation and humanitarian action provides for a particularly high rate of public co-financing for human rights projects, including capacity-building.

106.37–38

12. Luxembourg is considering the requisite legislative measures to give effect to these recommendations.

106.39

13. The bill referred to in paragraph 81 of the national report has now been adopted (Act of 7 November 2017) and should enable the Centre for Equal Treatment to play a more effective role in combating discrimination. Discrimination on the basis of nationality is covered by the new Act.

106.43 and 106.53

14. Luxembourg considers that its migration policy is consistent with the recommendations in question, in that it is aligned with the framework established by, inter alia, the European Union.

106.45

15. Efforts to implement the national action plan on gender equality are continuing.

106.46–48

16. Discussions are under way on how to improve human rights training, including basic and continuous training for civil servants, law enforcement officers, judges and other government and local authority officials.

106.49

17. Luxembourg intends to conduct activities to raise journalists' awareness of the International Convention on the Elimination of All Forms of Racial Discrimination, including during the process of drafting the country's next periodic report for the Committee on the Elimination of Racial Discrimination.

106.50

18. As to the question of tax evasion, Luxembourg actively contributes to the efforts undertaken in this connection at the level of the European Union and the Organization for Economic Cooperation and Development.

106.51, 106.58–106.69, 106.91, 106.93–102

19. Luxembourg considers that its existing legal framework provides effective protection from discrimination while ensuring respect for civil and political rights, including freedom of expression and freedom of the press. The Audiovisual Media Services Directive, which Luxembourg has transposed into its domestic law, prohibits the dissemination of content that would incite hatred or violence. This Directive is currently being reviewed at the European level and there are plans to introduce more extensive obligations in this area. In particular, the Directive extends the obligation to protect citizens from content that would incite hatred or violence to "new" Internet-based services, including video sharing platforms, while respecting freedom of expression. The public prosecution service systematically prosecutes hate speech and related convictions are published by the press.

106.54

20. Luxembourg is continuing to take measures to guarantee the rights of persons with disabilities. The Ministry of the Family, Integration and the Greater Region is devising a new national action plan for the implementation of the Convention on the Rights of Persons with Disabilities for the period 2019 to 2023. A campaign to promote the inclusion of persons with disabilities has been launched in the press and on public billboards in 2018. A bill on the accessibility of public spaces, public roads and multi-dwelling units is being drafted and will be submitted to the Chamber of Deputies before the end of the current

legislative term. The bill will extend accessibility requirements to some goods in the private sphere. Existing public spaces will likewise be subject to accessibility requirements. The bill also makes provision for criminal penalties for non-compliance with such requirements.

106.57

21. The relevant legislative work is ongoing.

106.70–72

22. Luxembourg is planning to adopt the first action plan for the implementation of the United Nations Guiding Principles on Business and Human Rights in the coming weeks.

106.73

23. Luxembourg is a signatory to the Geneva Pledge for Human Rights in Climate Action and is continuing its efforts at the political level and in the area of financial resource mobilization.

106.74

24. Luxembourg undertakes to guarantee all persons in places of detention access to health care.

106.75–81

25. Luxembourg considers that these recommendations are being implemented through the opening of the security unit within the State Socio-Educational Centre in Dreiborn and the continuous attention paid to the issue of detaining minors in the best possible conditions, according to strict objective criteria. See also the response provided in relation to recommendations 106.131–135 below.

106.82– 87, 106.88–90 and 106.130

26. Luxembourg is continuing its efforts to combat human trafficking and will take the recommendations that it has received into account. The existing national framework protects children, including vulnerable children. A new campaign to raise public awareness of modern-day slavery was launched recently and the interministerial committee tasked with combating human trafficking was given its own budget line in 2018.

106.92

27. Discussions are ongoing on whether to adopt additional measures to protect human rights defenders and journalists, against the backdrop of the country's campaign for membership of the Human Rights Council for the 2022–2024 period. These measures will be discussed with, inter alia, the Special Rapporteur on the situation of human rights defenders.

106.103–106

28. The new national multi-year action plan for integration 2018, which is currently being devised, identifies five priority areas, which include improving the employability of foreign nationals and promoting education, continuing education and the learning of non-official languages. The action plan will have no time limit and will provide a general framework that can be revised and adapted. See also the responses provided in relation to recommendations 106.148 and 106.149.

106.107

29. In order to guarantee persons with disabilities a greater degree of independence and to move towards the deinstitutionalization of those persons, the Government provides financial incentives for the construction of semi-independent housing units and the development of new home assistance services for persons with disabilities who live independently (see also the response provided in relation to recommendation 106.54).

106.108

30. The national plan for the prevention of suicide 2015–2019 targets young people as a vulnerable group and ensures that they are informed of the psychosocial support services available to them.

106.109 and 106.111

31. The inclusion of all children in the education system, in particular child applicants for and beneficiaries of international protection, is a priority for Luxembourg. Additional efforts will be devoted to this matter in the coming years. The national report of Luxembourg provides further details.

106.110

32. Discussions between the relevant actors are continuing at the national level. Pilot projects are being implemented by different schools.

106.112 and 106.117–119

33. Luxembourg is conducting the activities set out in the national action plan on gender equality, the aim of which is to eliminate all gender-based discrimination and to promote equality and women's economic and political autonomy.

106.120, 106.122, 106.125–129

34. Luxembourg considers the protection of children from all forms of abuse and sexual exploitation, including for commercial purposes, to be a top priority. With the adoption of the Act of 16 July 2011, which approved (a) the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which was opened for signature in Lanzarote on 25–26 October 2007 and (b) the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and which amended a number of provisions of the Criminal Code and the Code of Criminal Procedure, the country's existing legal framework is equal to the challenge. At the same time, the operational framework for the protection of children, including in the context of the rapid development and adoption of new technologies, is assessed and supplemented on a continuous basis. All education professionals are trained to detect cases of abuse.

106.123–124

35. The parliamentary work on the bill to amend the law on filiation is still ongoing. The bill will be consistent with the recommendations received in this connection.

106.131–135

36. Bill No. 7276 on the establishment of a new system for the protection of young people was submitted to the Chamber of Deputies on 13 April 2018. Attention should be drawn to the Bill's protective nature and to the decision not to introduce juvenile criminal legislation. The advantage of the existing system is that a single law covers both the protection and the punishment of minors, in other words it encompasses victims and perpetrators. The rights and guarantees of minors are set out and reviewed thoroughly in the text. As to the places where a minor may be detained, the situation has changed profoundly since 1 November 2017 with the opening of the security unit within the State Socio-Educational Centre. This closed facility can accommodate 12 minors distributed between four units. Although the Bill still provides for the possibility of placing minors in remand centres in exceptional circumstances, the conditions and procedures related to this measure are being modified and thoroughly reviewed. It is only possible to place minors in remand centres in cases of absolute necessity and strict cumulative conditions must be met for this measure to be imposed:

- The minor must pose a threat to public order or public security.

- The minor must have committed, or be suspected of having committed, an act classed as a criminal offence punishable by a prison term not exceeding two years.

106.136, 106.139, 106.141–142

37. Luxembourg refers to its national report, particularly paragraphs 25–30. The full implementation of the Convention on the Rights of Persons with Disabilities remains a top national priority.

106.137 and 106.138, 106.140

38. In order to encourage employers in the public and private sectors to hire persons with disabilities, a bill introducing assistance for inclusive employment was submitted by the Minister for the Family, Integration and the Greater Region to the Chamber of Deputies in March 2018. The aim of the bill is to facilitate the integration and retention in employment of persons with the status of employee with a disability or who are unable to remain in their old job and who must seek rehabilitation in another one in another firm by creating an initiative called "assistance for inclusive employment".

106.143

39. Article 120 (1) and article 125 (1) of the amended Act of 29 August 2008 on the free movement of persons and immigration and article 22 (3) of the Act of 18 December 2015 on international and temporary protection provide for alternative measures that are less coercive than detention. As to the efforts under way to identify vulnerable persons, the Directorate of Immigration of the Ministry of Foreign and European Affairs has provided specific training to several officers on how to receive persons in need of international protection and on how to conduct interviews for the purpose of identifying vulnerable persons. The Directorate of Immigration has done likewise for several officers working within the Kirchberg emergency shelter. Persons who are identified as vulnerable enjoy one or more special procedural guarantees (see the responses provided in relation to recommendations 106.148 and 149).

106.144–106.147

40. Having placed the integration of refugees at the centre of its reception policy, the Government has devised a targeted integration programme for applicants for and beneficiaries of international protection: the Supervised Integration Process. Its aim is to promote the social and professional integration of applicants for international protection and to lay the groundwork for their integration in the weeks following their arrival in Luxembourg. Given the widely varying origin of applicants for international protection, the Programme is based on the principle that there are two prerequisites for successful integration: learning the country's national and administrative languages and understanding how everyday life works in Luxembourg.

106.148 and 149

41. The Act of 18 December 2015 on the reception and temporary protection of applicants for international protection regulates the reception of such persons. The aim of the Act is to improve their situation and to pay more attention to the specific needs of vulnerable persons, particularly unaccompanied minors. Chapter 4 of the Act is devoted to the protection of vulnerable persons. The Luxembourg Reception and Integration Agency identifies and provides immediate care to persons who are visibly vulnerable (such as minors, pregnant women, older persons, persons with disabilities, single parents and single parents accompanied by minor children), offering them, to the extent possible, accommodation adapted to their needs and guidance and it even defrays the cost of the services provided by the competent authorities. Accommodation facilities with a large complement of supervisory staff and that offer specific social and educational support have been set up for applicants for international protection who are minors. Upon arrival, a medical history of the applicant for international protection is drawn up by a team of psychologists and psychiatric nurses in order to identify his or her specific needs and to detect particularly vulnerable persons. During the same period of time, all applicants for

international protection undergo a medical examination conducted by the public health authorities. In the course of this examination, the applicant for international protection may request a free mental health consultation from the public health authorities or the authorities themselves may offer such a consultation to an applicant for international protection who is suffering from a somatic or psychological disorder. In addition, screening tests are performed by the Luxembourg Reception and Integration Agency throughout the procedure. During his or her stay in the accommodation facilities run by the Agency and its partners, each applicant for international protection is assigned a social worker who assesses his or her specific needs upon arrival and who subsequently monitors these needs.